

MEMORANDUM

TO: Federal Trade Commission **DATE:** 6/8/2005

FROM: Sarah Samuels, DrPH
The Strategic Alliance for Healthy Food and Activity Environments

SUBJECT: Marketing to Kids Workshop

BACKGROUND

Marketing and advertising play a key role in shaping nutrition and physical activity environments as well as influencing children's food and activity choices. Annually, children view tens of thousands of television commercials and see hundreds of billboard and poster advertisements—the majority of these commercials promote food products. As a result, children view multiple food advertisements every day, with the heaviest food advertising for the least nutritious foods and beverages.

Since the 1980s, the food and beverage industry has made children and adolescents the targets of intense and specialized food marketing and advertising efforts. The proliferation of electronic media, the deregulation of and declining support for public service advertising and the booming economy of the 1990s all contributed to the transformation of children into a consumer group. The amount of money spent on marketing to children doubled during the 1990s—it is currently about \$12 billion a year, as corporations compete for what marketers call “share of mind” and “cradle to grave” brand loyalty.

With youth, marketers have tapped into an audience that is particularly vulnerable to the messages and tactics of the food and beverage industry. Marketers have capitalized on this situation by using a number of marketing channels to reach children and adolescents. These span television advertising, in-school marketing, product placements in movies and television programs, kids' clubs, the Internet, toys and products with brand logos, and youth-targeted promotions such as cross-selling and tie-ins, and outdoor and in-store marketing. In addition, Commercial activities in U.S. public elementary and secondary schools have expanded during the last decade as a result of marketers' taking advantage of schools' financial vulnerability due to chronic funding shortages, coupled with their wish to increase sales and generate product loyalty.

The Alliance is supported by funding from The California Endowment

STEERING COMMITTEE MEMBERS: The California Adolescent Nutrition and Fitness Program (CANFit) ■ California Center for Public Health Advocacy ■ California Food Policy Advocates ■ California Pan Ethnic Health Network ■ California Park & Recreation Society ■ California Project LEAN ■ California WIC Association Child Care Food Program Roundtable ■ Latino Health Access ■ Prevention Institute ■ Samuels & Associates, Inc ■ YMCA of the East Bay

WHO WE ARE

The Strategic Alliance for Healthy Food and Activity Environments (Strategic Alliance) is a coalition of nutrition and physical activity advocates in California. The Strategic Alliance is shifting the debate on nutrition and physical activity away from a primary focus on personal responsibility and individual choice to one that examines corporate and government practices and the role of the environment in shaping eating and activity behaviors. The Alliance's goal is to benefit the health and wellness of all California residents by promoting environmental solutions and institutional and government policies and practices that support healthy eating and activity. The Alliance believes that the following recommendations should be undertaken to mitigate the harm that marketing of unhealthy foods and beverages poses to children.

RECOMMENDATIONS:

Recommendation One: Establish digital advertising and marketing standards and regulations that protect children

Advertising and promotion to children through new and emerging technologies are outpacing current regulatory mechanisms governing marketing and advertising communications. Many of the current and potential marketing practices digital broadcasters have at their disposal would violate the Communications Act, the FCC's children's advertising policies and rules and, in some instances, the Children's Online Privacy Protection Act (COPPA). Existing FCC rules and policies for children's television can be adapted for the digital age. Standards and regulations should address the following topics: separate advertising from media content, prohibit links from Web sites to marketers, and prohibit collecting information on children's viewing habits.

Recommendation Two: Apply federal human subjects regulations to market research.

Academic research is subject to strict regulation in order to protect the rights of human research subjects. Academic researchers cannot embark on any research activities (such as surveys, interviews, and focus groups) without first having their research protocol approved by an Institutional Review Board (IRB), who assures that research is meeting the federal standards for protection of research subjects. Research studies that have approval from an IRB require that parents provide their signed consent prior to collecting any information from children under age 18. Market researchers are currently free to collect data from children without any oversight from a review board and without obtaining parental consent to collect data from children. We suggest that parents be informed and provide consent when market researchers come into contact with children, whether it is in-person, over the phone, in writing or using digital media.

Recommendation Three: Eliminate all advertising and promotion of unhealthy foods and beverages to children and youth.

Food manufacturers and retailers should eliminate all advertising and promotion of unhealthy foods and beverages to children and youth by discontinuing the following marketing strategies:

- Promoting unhealthy foods and beverages via broadcast, print and electronic media, and toys
- Using sports or entertainment celebrities, including cartoon characters, in product tie-ins that advertise unhealthy foods and beverages to children
- Advertising indirectly through fundraising programs, incentive programs using contests or coupons, and the like at institutions serving children and youth (including schools, preschools, after-school programs, and recreation facilities).